**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE P.R.RAMAN**

**WEDNESDAY, THE 25TH OCTOBER 2006 / 3RD KARTHIKA 1928**

**OP.No. 28876 of 2000(K)**
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**PETITIONER:**
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1. **THE KANOOR FLAVOURS WORKER'S UNION, ANGAMALY SOUTH P.O. REPRESENTED BY ITS VICE PRESIDENT, K.M.POULOSE.**

2. **KANOOR EMPLOYEES UNION (CITU) ANGAMALLY SOUTH P.O, REPRESENTED BY ITS JOINT SECRETARY, P.D.POULOSE.**

**BY ADV. SRI.P.RAMAKRISHNAN**

**RESPONDENTS:**
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1. **THE STATE OF KERALA REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, DEPARTMENT OF LABOUR AND REHABILITATION, THIRUVANANTHAPURAM.**

2. **THE DEPUTY LABOUR COMMISSIONER (IR) ERNAKULAM.**

3. **KANOOR FLAVOURS AND EXTRACTS LIMITED, POST BAG NO.3, ANGAMALLY SOUTH P.O, REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADV. SRI.JOSEPH KODIANTHARA**
**SRI.MITHUN MARKOS**
**GOVERNMENT PLEADER SRI.GIKKU JACOB**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 25/10/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**OP NO. 28876/2000**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXHIBIT P1: TRUE COPY OF REPRESENTATION DATED 28.10.1997 FROM THE 2ND PETITIONER TO THE DISTRICT LABOUR OFFICER, ERNAKULAM.**

**EXHIBIT P2: TRUE COPYOF LETTER NO.IR.NO.1595/98 DATED 11.9.1998 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT.**

**EXHIBTI P3: TRUE COPY OF LETTER DATED 4.3.1999 FROM THE 2ND PETITIONER TO THE 2ND RESPONDENT.**

**EXHIBIT P4: TRUE COPY OF LETTER DATED 14.2.2000 from the 2ND PETITIONER TO THE REGIONAL JOINT LABOUR COMMISSIONER.**

**EXHIBTI P5: TRUE COPY OF LETTER NO.IR.1595/98 DATED 16.6.2000 FROM THE 2ND RESPONDENT TO THE PETITIONERS.**

**//TRUE COPY//**

**P.S. TO JUDGE**

P.R. RAMAN, J.

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O.P. NO. 28876/2000

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DATED THIS, THE 25TH OCTOBER, 2006.

J U D G M E N T

Ext. P4 is a claim made by the second petitioner Kancor Employees Union, (CITU) before the Regional Joint Labour Commissioner, Ernakulam, under date 14.2.2000. The main grievance raised in Ext.P4 is that the management has failed to consider the training period of 39 Grade II and Grade III workers for the purpose of statutory benefits. By Ext.P5 proceedings, the the Deputy Labour Commissioner (IR) recorded that the date of entry into service of all the above 39 Grade II and Grade III workers will be treated as the actual date of their joining in the company, for the purpose of all statutory benefits like gratuity etc.

2. The learned counsel for the management submits that they have accepted Ext.P5 and is extending the benefit of the actual date of entry in service to the aforesaid employees for the purpose of all statutory benefits. The same is recorded. However, learned counsel for the petitioner would contend that for non statutory benefits, the training period is excluded,

which, according to the counsel for the management, is not correct.

3. Whether or not the training period is to be reckoned for the purpose of promotion and other benefits does not appear to be a matter raised in Ext.P4 and hence there is no scope for resolving any such claim, as evidenced by Ext.P5. If the petitioners have any such grievance, it is open to them to raise the same before appropriate authority and Ext.P5 to that extent will not stand in the way of the authorities in dealing with such disputes, in accordance with law.

Clarifying the above position, this original petition is closed.

P.R. RAMAN,
(JUDGE)

knc/-

P.R. RAMAN, J.

O.P. 28876/2000

J U D G M E N T

25TH OCTOBER, 2006.